

REMARKS

The present application has 31 claims with Claims 1, 17, 20, 30, and 31 being independent claims. Claims 20-30 have been withdrawn from consideration. Claims 1-6, 8-11, 13, and 15-19 are rejected. Claims 7, 12, and 14 are objected to. Claim 31 is new.

Election/Restriction:

The Applicant affirms the election of the Group I claims, Claims 1-19, without traverse.

35 U.S.C. § 103:

Claims 1-4, 8-11, 13, 15, 17, and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,775,048 to Baecchi, et al. Baecchi was described as disclosing a container for holding ground coffee with a body 230, a lip 234, a flange 235 extending from the lip, a base having a plurality of apertures therein, and a lid 231 having a plurality of apertures therein. Baecchi does not disclose a lip having a width of no more than about 2.6 millimeters. The Examiner stated, however, that it would have been obvious to one having ordinary skill in the art to construct the lip of Baecchi with the claimed size range.

The Applicant respectfully traverses the rejection of independent Claim 1 and the dependent claims thereon. The Applicant submits that the lip width of about 2.6 millimeters is not obvious to one of ordinary skill in the art. As stated in the specification, this width was selected so as to use as little material as possible while being able to withstand the expected force of the injector head and the water pressure:

the lip 700 is configured to accommodate the size of the pod apertures 330 and the expected force of the injector head 420 while using as little material as possible.

See Specification at paragraph 51.

Likewise:

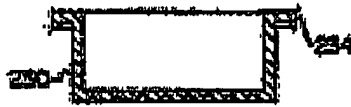
the lip 700 as well as the base 620 of the cup 600 are designed to use as little material as possible while being able to withstand the water pressures described above without deformation.

Paragraph 59.

The Applicant submits that the combination of a lack of deformation with the use of as little material as possible is significant proof of the non-obviousness of the 2.6 millimeter limitation. This is particularly true in the context of a coffee pod that may be produced and distributed in a significant volume. The reduction in the overall amount of material used could provide significant advantages. The Applicant thus submits that independent Claim 1, and the dependent claims thereon, are patentable over the cited reference.

The Applicant further traverses the rejection of dependent Claim 9 for the reasons described above and because the cited reference does not appear to show a flange extending downwardly at an angle.

The Applicant further traverses the rejection of dependent Claim 10 for the reasons described above and because the cited reference does not appear to show a pocket with an upper curved radius. The use of the curved radius permits the pod to accommodate more sheer force as compared to the squared design of the cited reference, *i.e.*, the force is not distributed perpendicularly as would be in the case in the cited reference shown below:



As opposed to the squared shape disclosed in Baecchi, the curved orientation claimed herein provides the pod as a whole with the ability to withstand the force applied by the injector head and the water pressure with the least amount of material necessary.

With respect to independent Claim 17 and dependent Claim 18, the Applicant respectfully traverses the rejection for the reasons described above. Specifically, the Applicant has added the curved inner radius limitation.

Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Baecchi in view of U.S. Patent No. 5,824,218 to Gasser, et al. The Applicant respectfully traverses the rejection for the reasons described above.

Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Baecchi in view of U.S. Patent No. 5,472,719 to Favre. The Applicant respectfully traverses the rejection for the reasons described above.

Claim 16 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Baecchi in view of U.S. Patent No. 6,186,051 to Aarts. The Applicant respectfully traverses the rejection for the reasons described above.

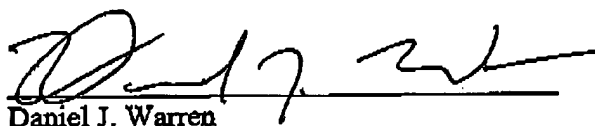
Allowable Subject Matter:

The Examiner indicated that Claim 7, 12, and 14 would be allowable if rewritten in independent form. The Applicant has rewritten Claims 12 and 14 in independent form.

CONCLUSION

The Applicant believes that it has responded to each matter raised in the Office Action. Allowance of all claims is respectfully solicited. Any questions may be direct to the undersigned at 404.853.8028.

Respectfully submitted,



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